THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.26790 OF 2005

Dt.15.12.2005

Between:

Chinta Basava Raju

… Petitioner

And

The Revenue Divisional Officer,

Nuzvid, Krishna District … Respondent

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner was appointed as permanent fair price shop dealer for Bathulavari Gudem Village, Nuzvid Mandal, Krishna District in the year 1990 and he has been distributing essential commodities to the card holders without any complaint whatsoever. While so, based on the report dated 18.5.2004 of the Mandal Revenue Officer, Nuzvid making certain allegations against the petitioner, the authorization of the petitioner was suspended pending enquiry by order dated 9.6.2004. It is stated that no enquiry has been initiated even after a lapse of seven months and thereafter show cause notice dated

15.1.2005 has been issued framing certain charges. The petitioner filed his representation on 10.3.2005 denying all the allegations. But so far the enquiry has not been conducted and no action has been taken. It is stated that the authorization of the petitioner was suspended more than one and half year back and no enquiry has been conducted and therefore the action of the respondent is illegal, arbitrary and without jurisdiction.

The petitioner has already suffered substantial punishment of denying his right of distribution of essential commodities for a period of one and half year. Having regard to the facts and circumstances of the case, I am of the opinion that there is no justification on the part of the respondent in not completing the enquiry and not passing final orders even after the period of one and half year. In view of the prolonged suspension of the fair price shop of the petitioner, it is just and proper to stay the said suspension order pending disposal of the final proceedings that may be passed by the respondent. Accordingly, the respondent is directed to complete the disciplinary proceedings after giving reasonable opportunity to the petitioner as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. Till then, the order of suspension dated 9.6.2004 stands stayed.

The writ petition is disposed of accordingly. No costs.

(V.ESWARAIAH, J.)

15.12.2005

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